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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,453	06/23/2003	Yoshihiro Yazawa	1116-03	9728

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IP GROUP OF DLA PIPER US LLP
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EXAMINER

LAVILLA, MICHAEL E

ART UNIT	PAPER NUMBER
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1775

MAIL DATE	DELIVERY MODE
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06/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/601,453

Applicant(s)

YAZAWA ET AL.

Examiner

Michael La Villa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,17,18,21 and 29-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-40 and 42-48 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,17,18,21,29 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- i. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

3. Determining the scope and contents of the prior art.
4. Ascertaining the differences between the prior art and the claims at issue.
5. Resolving the level of ordinary skill in the pertinent art.
6. Considering objective evidence present in the application indicating obviousness or nonobviousness.
7. Claims 1, 2, 5, 17, 18, 21, 29, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamoto et al. WO 02/099154. Sakamoto teaches seam welding a stainless steel sheet having a paint layer as claimed. See translation of Sakamoto in USPA 2003/0196715 (Abstract; paragraphs 39, 40, 6872, 80-86; and Table 3). Sakamoto may not exemplify the range of Cr contents in the steel of Sakamoto, but does suggests a wide range comparable to the claimed range. It would have been obvious to one of ordinary skill in the art at the time of the invention to fabricate the laminates of Sakamoto with steels having any of the suggested amounts of Cr as these are described as effective.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to vary the amount of zinc powder with amounts as low as 68 weight percent since Sakamoto suggests that these amounts of powder may be utilized. See Sakamoto in USPA 2003/0196715 (paragraph 82). Applicant has demonstrated that such relative mass amounts of zinc powder would be expected to satisfy the claimed volume percentage of zinc powder. Sakamoto teaches that metal powder further alloyed with aluminum and/or magnesium is effective. See Sakamoto USPA 2003/0196715 (Table 2). With respect to Claims 29 and 41, Sakamoto may not exemplify the claimed functional agents. It would have been obvious to one of ordinary skill in the art at the time of the invention to include any traditional processing agents in the paint of Sakamoto, including those claimed, in order to confer optimal processing on the article of Sakamoto. It is noted that no particular amounts or chemical compositions of these agents are claimed.

Allowable Subject Matter

8. Claims 30-40 and 42-48 are allowed.

Response to Amendment

9. In view of applicant's amendments and arguments, the claim objections, the section 112, first paragraph rejection, and the section 112, second paragraph rejection of the Office Action mailed on 4 January 2007 are overcome and therefore withdrawn.

10. In view of applicant's amendments and arguments, applicant traverses the section 103 rejection over Sakamoto of the Office Action mailed on 4 January 2007. Applicant argues that Sakamoto does not render obvious the claimed weight percentage of zinc powder. It is recognized that this argument was previously found persuasive. However, further review of the teachings of Sakamoto reveals that Sakamoto teaches and suggests weight percentages at least as low as 68 weight percent. Hence, the rejection is maintained, and the reference is applied to other claims for the reasons set forth above.

Conclusion


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael La Villa whose telephone number is (571) 272-1539. The examiner can normally be reached on Monday through Friday.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer McNeil can be reached on (571) 272-1540. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael La Villa
9 June 2007


MICHAEL E. LAVILLA PH.D.
PRIMARY EXAMINER